

improper. See MPEP Chapter 800, particularly Section 802.01 et seq., all of which require that the Office establish, through the use of reasons or examples, the patentable distinctness of the restricted species. This has not been done in this case, and Applicant is thus denied the opportunity to rebut the Requirement. Rather than setting out a case for Restriction, the Office has merely concluded that Restriction is proper. This is insufficient evidence for a sustainable Restriction Requirement, and as such the Requirement should be withdrawn.

Respectfully submitted,

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